

1032  
1f w



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James Alun Wynne Morgan, et al. Art Unit : Paras  
Examiner : 1632

Serial No. : 09/889,874

Filed : July 23, 2001

Title : BIOLOGICAL CONTROL OF NEMATODES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed April 2004, applicant elects the invention of Group II drawn to the embodiment of nucleic acid molecule encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:23. The election is made with traverse.

Applicants respectfully request that all of the claims be considered together. Both SEQ ID NO:22 and SEQ ID NO:23 are encoded by SEQ ID NO:52, which corresponds to cosmid cHRIM5 of the originally elected claims. Thus, nucleic acid molecules encoding SEQ ID NO:22 and nucleic acid molecules encoding SEQ ID NO:23 are present within SEQ ID NO:52. For this reason, it is appropriate to examine all of the claims together.

Please apply any charges or credits to Deposit Account No. 06-1050.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

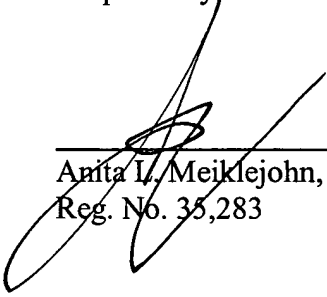
May 14, 2004  
[Signature]  
Lisa G. Gray

Applicant : James Alun Wynne Morgan, et al.  
Serial No. : 09/889,874  
Filed : July 23, 2001  
Page : 2 of 2

Attorney's Docket No.: 13384-  
002001 / HDL/MR/USP81798

Respectfully submitted,

Date: 14 MAY 2004

  
\_\_\_\_\_  
Anita L. Meiklejohn, Ph.D.  
Reg. No. 35,283

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906